IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3156 OF 2006

IN

APPEAL (L) NO.759 OF 2006

...

M.P.Arya ...Appellant

v/s.

The Presiding Officer
C.G.I.T. No.2 & Anr. ...Respondents

...

Mr.N.M.Ganguli for the Appellant.

None for the Respondents.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.

DATED: 25TH JULY, 2007

P.C.:

1. The Petitioner/Appellant had filed the Petition challenging the order passed by the courts below in relation to his dismissal from the service. That petition was rejected by the learned single Judge of this court by an order dated 7-6-1999.

2. Against that order the Petitioner filed Special Leave Petition before the Supreme Court. That Special Leave Petition came before the court on 20-2-2001. That petition was withdrawn with liberty to approach the High Court.

3. In stead of filing an appeal in this court, review petition was filed before the learned single Judge for review of the order. That review petition was dismissed on 23-4-2002. Thereafter, this appeal has been filed in the month of September, 2006. The explanation that is given is, after his review petition was dismissed he approached some lawyers, whose names are disclosed in the affidavit, but they did not take immediate steps to file the Appeal.

There are no documents produced to show that the Appellant has approached any of those lawyers and those lawyers can be blamed for the delay. In our opinion, the delay is inordinate. There is no explanation which can be termed as satisfactory. Hence the delay cannot be condoned. Motion is, therefore, disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)